

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Gary L. Perry, on February 23, 2009 at  
9:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

**Members Present:**

Sen. Gary L. Perry, Chairman (R)  
Sen. Jim Shockley, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. John Esp (R)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Cliff Larsen (D)  
Sen. Jesse Laslovich (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 492, SB 497, 2/16/2009

Executive Action: Sb 497-Do Pass As Amended, SB 492-  
Failed in Committee (5-7), SB 384-  
Failed, Tied in Committee

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**HEARING ON SB 497**

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**Opening Statement by Sponsor:**

00:04:07 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 497, Creating the crime of obstructing a protest at a health care facility.

**Proponents' Testimony:**

00:05:49 Harris Himes, Pastor, Big Sky Christian Center  
00:07:35 Niki Zupanic, ACLU  
00:09:56 Stacey Anderson, Public Affairs Director, Planned Parenthood of Montana

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:11:44 Sen. Laslovich  
00:12:57 Mr. Himes  
00:14:46 Sen. Hinkle  
00:15:33 Sen. Shockley  
00:17:20 Sen. Perry  
00:17:38 Sen. Shockley

**Closing by Sponsor:**

00:19:48 Sen. Shockley

**Distributed to the Committee Members regarding SB 497 heard today, 2/23/09:**  
**[EXHIBIT\(jus42a01\)](#)**

00:20:03 break

**HEARING ON SB 492**

**Opening Statement by Sponsor:**

00:25:12 Sen. Gary Perry (R), SD 35, opened the hearing on SB 492, Revise civil laws applicable to attorney fees.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

00:32:14 Beth Baker, Montana Defense Trial Lawyers Association (MDTLA)  
00:37:03 Al Smith, Montana Trial Lawyers Association (MTLA)  
00:41:56 Bob Worthington, Executive Director, Montana Self-Insurers Association; Montana Municipality Insurance Association (MMIA)  
00:44:37 Bruce Spencer, Property Casualty Insurers Association of America (PCIAA)  
00:50:24 Greg Van Horssen, State Farm Insurance Company  
00:52:09 Jacqueline Lenmark, American Insurance Association (AIA); American Council of Life Insurers  
00:52:52 Jon Metropoulos, Farmers Insurance Group

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:56:36 Sen. McGee  
00:57:50 Sen. Perry  
00:59:42 Sen. Hinkle  
01:00:06 Sen. Perry  
01:00:27 Sen. McGee  
01:01:16 Mr. Van Horssen

**Closing by Sponsor:**

01:05:00 Sen. Perry

01:26:06 break

**EXECUTIVE ACTION ON SB 497**

01:41:09 **Motion:** Sen. Shockley moved that **SB 497 DO PASS.**

01:41:25 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED.**  
**EXHIBIT(jus42a02)**

**Discussion:**

01:42:11 Sen. McGee

01:42:38 **Vote:** Motion that **SB 497 BE AMENDED** carried  
unanimously by voice vote. Sen. Jent voted by proxy.

01:42:45 **Motion:** Sen. Shockley moved that **SB 497 DO PASS AS  
AMENDED.**

(Sen. Jent entered room)

01:42:53 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED BY  
INSERTING, "WITHOUT VIOLATING THE PROTESTOR'S RIGHTS  
AND PROTECTIONS UNDER THE LAW" and where applicable  
CHANGING THE WORD "PROTESTOR" TO "DEMONSTRATOR"**

**Discussion:**

01:44:11 Valencia Lane, Legislative Services Division

01:44:44 Sen. Shockley

01:45:04 Sen. Larsen

01:45:52 Sen. Laslovich

01:46:52 Sen. Shockley

01:47:16 Sen. McGee

01:48:34 Sen. Esp

01:49:25 Sen. Shockley **WITHDREW MOTION** that **SB 497 BE AMENDED.**

01:49:41 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED BY  
INSERTING "WITHOUT VIOLATING THE PROTESTOR'S RIGHTS AND  
PROTECTIONS UNDER THE LAW."**

01:50:19 **Vote:** Motion that **SB 497 BE AMENDED** failed 2-10 by  
roll call vote with Sen. Perry and Sen. Shockley voting  
aye.

01:51:23 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED by  
CHANGING THE WORD where applicable "PROTESTOR/PROTEST"  
to "DEMONSTRATOR/DEMONSTRATION".**

01:51:51 Sen. Esp  
 01:51:58 Sen. Shockley  
 01:52:27 Sen. Larsen  
 01:52:44 Ms. Lane  
 01:53:12 Sen. Shockley  
 01:53:15 Sen. Esp  
 01:53:30 Ms. Lane

01:53:54 **Vote:** Motion that **SB 497 BE AMENDED by CHANGING THE WORD where applicable to "PROTESTOR/PROTEST" to "DEMONSTRATOR/DEMONSTRATION"** carried 10-2 by voice vote with Sen. Hinkle and Sen. McGee voting no.

01:54:11 **Motion/Vote:** Sen. Shockley moved that **SB 497 DO PASS AS AMENDED.** Motion carried unanimously by roll call vote.

01:55:31 Sen. McGee  
 01:55:35 Ms. Lane

**EXECUTIVE ACTION ON SB 492**

01:55:43 **Motion:** Sen. Hinkle moved that **SB 492 DO PASS.**

**Discussion:**

01:58:17 Sen. Shockley  
 01:58:33 Sen. Jent  
 02:01:24 Sen. Esp  
 02:01:37 Sen. Shockley  
 02:04:49 Sen. McGee  
 02:10:37 Sen. Shockley  
 02:11:22 Sen. Jent  
 02:16:53 Sen. Laslovich  
 02:21:29 Sen. Perry

02:31:29 **Vote:** Motion that **SB 492 DO PASS** failed 5-7 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, and Sen. Perry voting aye.

**EXECUTIVE ACTION ON SB 384**

02:32:56 **Motion:** Sen. Jent moved that **SB 384 DO PASS.**

**Discussion:**

02:35:30 Sen. Shockley

02:36:18 Sen. Larsen

02:36:42 Sen. Jent

02:36:54 Sen. Esp

02:37:17 Sen. Perry

02:37:30 Sen. Shockley

02:38:05 Sen. McGee

02:38:56 Sen. Murphy

02:40:02 Sen. Jent

02:42:01 Sen. Perry

02:44:11 **Vote:** Motion that **SB 384 DO PASS** failed 6-6 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and Sen. Shockley voting aye.

**ADJOURNMENT**

Adjournment: 11:45 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus42aad.pdf](#))**